

Bias, Motive and Predetermination

In accordance with building policy, Jaxon's mask covered his mouth and nose. Nevertheless, Charlie recognized him as soon as he walked in. Charlie was self-satisfied with his facial identification success; unnoticed, he smiled briefly, digesting the sardonic irony that he had never seen Jaxon Childers wearing a mask before. Charlie had seen Mr. Childers on television and in newspaper photos, but this was his first time observing the well-known young man in person. Charlie's heart began to race; it took him a few seconds to realize what he had expected to be a usual unordinary day might be a day that would forever change his life. There was no need to rush. At that moment, he was the only one who knew.

The bank where Charlie worked was not in a city you would know, but it was big enough to hide in. For most people. Not Jaxon Childers. Mr. Childers was the notorious bank robber in the low crime, coastal New Jersey town. He had laid low for several years, and the community understood that he had moved on from criminal activity and had steady work installing home security equipment. It was even rumored that he had charmed a customer and was recently married. He was often the subject of social conversation. There was still more gossip about Jaxon Childers than Teresa Giudice several years after he had been the subject of local news; it was that type of town.

The city had paid experts to run psychological profile exams. Jaxon Childers always carried a loaded gun during his crime sprees, though it was unlikely he would ever shoot anyone. But there was no reason to take any unnecessary chances. "Just give the guy a stack of Franklins you can easily reach, and he will quickly be on his way. He is more about efficiency than revenue maximization. After he's gone, give us a call and we'll go get him." This paragraph was the lone contribution from the city police to all the local banks' employee manuals.

Mr. Childers brought \$500 cash to the bank that day. He told the teller he wanted to open a checking account. When Charlie was convinced Mr. Childers had no criminal intentions, Charlie sensed a unique opportunity and robbed the bank. As the head of bank security, Charlie had fortuitously sent his youthful colleague Brandon Switzer to the hardware store to replace the batteries on the security camera. The errand should have taken 15 minutes, but Charlie noticed Brandon grabbed his phone on his way out the door and knew he would be gone at least an hour. Brandon liked going to work and making small talk with the bank employees, but he had reasoned based on his limited experience that the financial institution did not really need him to be there.

When the police arrived, Jaxon Childers was gone, having decided the checking account thing could probably wait for another day. Charlie told the police that the Childers robbery occurred as it usually did, but that he was able to develop a creative strategy and recover a portion of the loot before Jaxon's exit. When asked to verify Charlie's unsuspecting story, the other bank employees confirmed it. The police were able to reach Jaxon Childers by telephone, and he offered no details contrary to Charlie's narrative. Naturally, detectives had no reason to question Charlie's version of events but asked to review the video evidence as standard protocol. The timing of the batteries dying struck the detectives as unusual and they looked at each other funny, but it did not move their assessments. Charlie's statements aligned with expected motivations of the story's participants, and they would be surprised if any video would tell a different story.

It didn't take long for the jury to grant Jaxon Childers his first acquittal. He had smiled through most of the proceedings and seemed to be enjoying the courtroom atmosphere for a change. He was alone; he looked like a sports team unexpectedly winning big on an opponents' field in a stadium too far from home to have any loyal fans present. Others in the court with official duties felt duped and regarded the entire affair as a procedural waste of time. After the innocent verdict, Jaxon was ready for a vacation and knew just the place to celebrate overcoming the predictable errors of bias, motive, and predetermination.

It was a southern collection of 51 islands with common rules. The idyllic beach town communities had never allowed cars, and their paved streets were littered with golf carts. In 2010, citing growing noise concerns, the collective islands approved a new rule that would outlaw gas-powered golf carts beginning in 2014. Manufacturers ramped up production of electric-powered golf carts and the island ports became stocked with them amidst an inordinate amount of fanfare. The electric golf cart experiment worked well for a couple of years. The islands were quieter and more peaceful, and the tourists loved the new tranquil experience. The concession with the shift to electric carts was speed, but that was more than offset by the positive environmental change.

After a few years, property owners discovered that the maintenance expenses on electric carts were significantly higher than anticipated and they had to raise prices. At the same time, they noticed that some of their neighbors had switched back to gas-powered carts and nobody other than tourists seemed to care. There was no real enforcement mechanism or monitoring of golf cart motors.

Throughout this process, property owners learned something about tourists that is easy to understand. While the switch to electric-powered carts was preferable even at a higher price tag, that preference quickly changed when tourists were passed on the streets by loud gas-guzzling golf carts. Electric golf carts were the preferred method of transportation, but that preference was strictly contingent on gas-powered carts not being allowed. Compliant homeowners could not compete and eventually switched back to supplying their guests with traditional gas-powered carts.

Around 2015, there was some murmuring about confusion regarding an unrelated item in the 2010 rule. While the downside of electric carts was that they were indeed slower, the intention of the rule was to reduce noise, not to reduce speed. Some vacationing attorneys believed that the rule allowed “turbo boosters” to be added to the golf carts and began to make that case. The “turbo booster” conversation was a separate concern from the ongoing gas versus electric motor contention; electric and gas powered turbo boosters were easy to produce and could be inexpensively added to their respective motors. Beginning in 2018, after decisions from courts and island leadership, turbo boosters were a standard addition to golf cart motors on most islands, mostly gas-guzzling with only one island being notable as being exclusively electric in practice.

On the gas versus electric front, community preservationists had been expressing concerns over the reemergence of gas-powered carts since 2016 and strategizing about enforcement mechanisms. Island leaders talked to preservationists to understand the prevalence of gas-powered carts, the environmental impact they were having, and what other island communities were doing. These efforts were deprioritized in 2020 to address another unexpected concern, but beginning in 2022, more islands had begun taking steps to disallow gas-powered golf cart traffic.

Island environments improved in 2022 and tourism increased, but not everyone was happy about it. A few respected property owners from the compliant islands objected to the turbo boosted electric golf carts. It was interesting that they only took aim at the turbo boosters, as the complainants were known in the island communities as gas cart aficionados who duplicitously championed the 2010 rule. While not attorneys, they proposed a novel legal interpretation which injected the turbo booster conversation directly into the gas versus electric debate. They claimed that the 2010 rule prohibited gas-powered golf carts but allowed gas-powered turbo boosters to be added to electric golf carts. This puzzled golf cart manufacturers. It also puzzled island governments. No one had ever seen such a hybrid contraption before. Some islanders called the introduction of a gas-powered turbo booster to an electric motor a very “creative workaround to the rule”.

The purported rationale for such an argument was that the authors of the 2010 rule desired electric-only golf carts but they never contemplated turbo boosters in their rule which restricted golf carts to “only be powered by an electric motor”. If they had considered the possibility, naturally they would have required that turbo boosters on electric golf carts be gas powered on the basis that gas powered propulsion would have been the preferred choice before the 2010 rule. They even went as far as saying that the fundamental “purpose” of manufacturing turbo boosters was not to foster increased speed, but to add an ill-fitting gas-powered contraption to electric motors. They believed that their claim exempting turbo boosters from the electric-only rule obligated golf cart manufacturers to cease production of electric turbo boosters.

Many property owners and tourists found these arguments perplexing and questioned both the timing and assured ineffectiveness of this novel proposal. Why was this mandate that turbo boosters be gas powered not promoted in 2015? Why was there no objection to all-electric motors in 2018? Why did this concern arise in 2022 after positive island experience with electric turbo boosters? Unlike hybrid vehicles on the mainland, gas-powered turbo boosters didn't offer similar complementary benefits. The prototype result was understood to be a golf cart that was noisy like a gas-powered cart but didn't offer speed appreciably faster than electric carts. Nobody had actually ever seen this hybrid model golf cart, but its proponents kept raving about it.

Perhaps the oddest part of their hybrid advocacy was their closing message; “turbo boosters are inherently bad and outlawing them will resolve the gas versus electric dilemma”. Some property owners pointed out that this irresolvable claim was strange because the hybrid promoters had remarkably never acknowledged that gas-powered carts were seen on island streets after 2014; they appeared sanguine in the discussion of whether motors should be electric-powered or gas-powered even with an asserted understanding of the 2010 rule, and only surfaced to express vehement opposition to “artificial” electric powered turbo boosters rather than gas-powered ones layered on electric motors.

As the islands are becoming a more popular vacation destination, the logistics of golf cart propulsion remains unresolved today. Proper resolution will occur at some point and island leaders will need to be judicious in continuing to manage the transition through the unstable lack of order.

Much like watching a live helicopter feed of a police golf cart chase, we all know how the island story will eventually end. The law will prevail. That is not why we watch; we watch because we are intrigued about the varying details along the way; we are also morbidly curious and want to understand who the fleeing

suspects are and the psychology of how they anticipated a different outcome. Or maybe they just wanted to take us all for a dangerous ride without any real concern about engine dynamics?

We are going to arrive at a well-ordered environment of 51 electric golf cart communities. We don't know when that will be. We are going to recognize that there was never really any confusion inherent in the 2010 rule or with the allowance of turbo boosters. We are going to recognize that the confusion that was created was largely manufactured to suit other purposes.

As record crowds are expected on the islands this summer, some tourism promoters are hopeful that the confusion will soon dissipate and the electric car rules will be strictly enforced, fostering the rule's intent that the island experience will align with idyllic capacity. Like the game of golf itself, they hunger for an orderly and serious process where golf cart rules are clearly understood and followed.

Rather than leave his entourage in suspense, Jaxon Childers placed a few calls to some folks on the islands to get the most recent pre-vacation update on what is currently propelling the islands' golf carts. In typical golf vacation terms, he was told that nobody expected the course to be up to par anytime soon and believed island leadership would just keep hackin' around. Orderliness had never really surrounded the life of Jaxon Childers, and the haphazard rule enforcement suited him just fine.

This entire sequence of events may strike some of you as implausible. It may even disturb you. We need to consider that some motivations lie beneath the surface and the easy answer is not always the right answer. Jaxon Childers had six different experiences of sitting in a courtroom chair watching himself rob a bank on a video screen. He knew how the process worked; he knew he would be vindicated. He didn't like the prison stays, but he sort of enjoyed seeing his picture in the newspaper, and it had been a while. His peer group from whom he sought favor was an anti-corporatist group of misfits who "demonstrated" outside of banks without a clear mission and they would surely be pleased to learn that Jaxon had not outgrown his devilish ways. "Why not have a little fun with this and let the detectives earn their money?", Jaxon had reasoned.

To put it mildly, the bank employees had no allegiance to Jaxon Childers. They knew him. They had never seen him before, but they had feared him for years. They woke up at night thinking about him, and their spouses had repeatedly encouraged them to change careers. There was no amount of undeserved

punishment unleashed upon Jaxon Childers that would outweigh the agony he had inflicted upon their families' lives.

They also knew Charlie. They loved Charlie. He was always smiling, telling original jokes, and bringing in random gifts for everyone. They could not imagine Charlie ever doing anything wrong. But they knew something else. Charlie was recently diagnosed with cancer. He didn't talk about it, but everyone knew. Some days were better than others for him. The bad days were painful for everyone in his presence.

Charlie did not have health insurance. He had thought about moving north to Connecticut where premium misalignment in Affordable Care Act marketplaces was not as severe and he could save hundreds of dollars a month, but it just didn't make practical sense at his stage of life. He must have run out of options, they rationalized. He only did it because he needed to. "Many good people would have done the same thing", they repeated to each other. The bank employees did not know if the truth would ultimately be revealed, but participating in a lie didn't sear their conscience nearly as much as being the one who revealed the truth.

The unanticipated turbo booster confusion served to complicate matters and delay resolution on island enforcement of electric-only motors. While lacking other logical motives, many island property owners believe that was the direct intent. Other established island residents bought into the hybrid prototype, but not because they appreciated the whimsical substance, but because they wanted to support their friends who were promoting it. For island historians, the confusion arising from the advocates of gas-powered turbo boosters brought back memories of the property owners who originally had objected to the turbo booster allowance. Their original argument had been...I'm not making this up...that the additional weight of turbo boosters would create confusion about golf cart mechanics and therefore make golf carts slower. Of course, the judge told them they were wrong. Here is what he said:

"Petitioners express concern that turbo boosters will cause confusion among tourists who drive golf carts. In particular, petitioners argue the additional weight of the turbo boosters may create fear of having slower golf carts which may scare tourists from the islands. Petitioners may be overstating their 'confusion' argument. As their own brochures illustrate, if tourists have faster golf carts due to turbo boosters, they may never even realize they are carrying additional weight. They are informed by their experience and as has been excessively discussed, turbo boosted cars are undeniably faster.

One last point on the issue of confusion. If petitioners are so concerned that people will be scared away from the islands by the thought of heavier and

slower turbo boosted golf carts, perhaps they should stop yelling exclusively about turbo boosted golf carts being slower and heavier. With travel booking season just days away, perhaps rather than manufacturing confusion, petitioners should focus instead on communicating the message which they have verified and already clearly communicated outside of this court, that tourists will be happy to have access to faster turbo boosted golf carts."

Whether it is the electric versus gas debate, the allowance of turbo boosters, or the novel practicing of law, the island golf cart saga has been historically marked by adding unnecessary confusion to complicate otherwise plainly understood matters and allow a temporary skirting of rules. It did not need to be this way.

The idea of installing gas-powered turbo boosters on electric motors never made any logical sense, but the theory hung around for a few months because its respected purveyors were predetermined to have the right motives. The underlying problem of bias is of course is being tethered to a preconceived understanding of motivations of the actors in the story. In the end, those who will be congratulated for the resolving this confusion and easing the suffering it caused very well may be those who were always involved in creating the lack of transparency; but we would be wiser to understand what motivated their desire for confusion in the first place.

This brings us back to Charlie. While Jaxon enjoys his pick of the islands, Charlie is confined to a polluted land of gas guzzling golf carts that weigh on his medical condition. Funds have been raised on his behalf and he has the means to relocate to the electric cart paradise of Connecticut, but he reasons that he shouldn't have to. He already has a townhouse picked out in the Constitution State, but he is waiting. He does not want to leave and his preference is that New Jersey will soon make the switch to electric carts.

What type of golf carts would actuaries drive? Some would drive electric ones. Others would select gas powered ones. Some would start driving electric carts and would switch to gas if they observed gas-powered cats on the island roadways. Some would even inquire about the novelty hybrid motors after hearing others talk about it, but they would probably never see one.

What drives actuaries' decisions? Is it our own professional conscience, what we see others doing, or the pronouncement of those we respect, even when their ideas seem as convoluted as a gas-powered turbo boosters on an electric-powered golf carts? Do we convict Jaxon Childers based on what we believe about him or the evidence? Do we prevent Charlie from having health insurance because we prefer premiums which are as misaligned as gas-powered golf carts on an idyllic electric only island? We do not have a video to

review, but we do have a lot of literature. And it tells the story, the same story, the full story, not the story we've been hearing, but the real story that is us. Do we evaluate facts on an objective basis or are our conclusions predetermined based on our biases and presumed motives? Jaxon wanted to open a checking account and Charlie wanted to be able to afford health insurance. There are many people just like them going about their daily routines. Their abilities to accomplish these simple things may rely on actuaries' ability to offer objective assessments free of bias, motive and predetermination.